



Express Mail No. EV337286769US

Deposited on: October 29, 2003

10-30-03
APPROVED
for
PTO DEPOSIT ACCOUNT CHARGE

ACCOUNT#04-1700

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
DUNLAP, U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/046,323
Filing Date	01/14/2002
First Named Inventor	Martin A. Cotton
Group Art Unit	2827
Examiner Name	J. Norris
Attorney Docket Number	8245.035

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☒ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☒ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s) _____

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Other Enclosure(s) (please identify below):

See remarks below:

Remarks

1. Petition to the Commissioner Under 37 C.F.R. 1.181 (2 pages);
2. Transmittal Form (1 page);
3. Fee Transmittal (1 page); and
4. Postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

DUNLAP, CODDING & ROGERS, P.C., Customer Number 30589
P. O. Box 16370, Oklahoma City, Oklahoma 73113, Marc A. Brockhaus

Signature

Marc Brockhaus

Date

10-29-2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail or U.S. Express mail no. EV337286769US in an envelope addressed to the address below on this date:

October 29, 2003

Typed or printed name

Marc A. Brockhaus, Reg. No. 40,923

Signature

Marc Brockhaus

Date

10-29-2003

Mail Stop Petitions
SEND TO: Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450

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ACCOUNT #04-1 Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/17 (10-02)

FEE TRANSMITTAL
for FY 2003
Patent fees are subject to annual revision.
☒ Applicant claims small entity status. See 37 CFR 1.27
TOTAL AMOUNT OF PAYMENT (\$) 0

UNLAP, CODDING & ROGERS, P.C. Complete if Known
Application Number 10/046,323
Filing Date 01/14/2002
First Named Inventor Martin A. Cotton
Examiner Name J. Norris
Art Unit 2827
Attorney Docket No. 8245.035

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ None
☒ Deposit Account:
Deposit Account Number 04-1700
Deposit Account Name Dunlap, Coddling & Rogers, P.C.
Customer No. 30589
The Commissioner is authorized to: (check all that apply)
☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION
1. BASIC FILING FEE
Large Entity Small Entity
Fee Code Fee Code Fee Description Fee Paid
1001 770 2001 385 Utility filing fee
1002 340 2002 170 Design filing fee
1003 530 2003 265 Plant filing fee
1004 770 2004 385 Reissue filing fee
1005 160 2005 80 Provisional filing fee
SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE
Total Claims - ** = Extra Claims Fee from below Fee Paid
Independent Claims - ** = Fee Paid
Multiple Dependent - ** = Fee Paid

Large Entity Small Entity
Fee Code Fee Code Fee Description
1202 18 2202 9 Claims in excess of 20
1201 86 2201 43 Independent claims in excess of 3
1203 290 2203 145 Multiple dependent claim, if not paid
1204 86 2204 43 ** Reissue independent claims over original patent
1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$) 0

FEE CALCULATION (continued)
3. ADDITIONAL FEES
Large Entity Small Entity
Fee Code Fee Code Fee Description Fee Paid
1051 130 2051 65 Surcharge - late filing fee or oath
1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet
1053 130 1053 130 Non-English specification
1812 2,520 1812 2,520 For filing a request for ex parte reexamination
1804 920* 1804 920* Requesting publication of SIR prior to Examiner action
1805 1,840* 1805 1,840* Requesting publication of SIR after Examiner action
1251 110 2251 55 Extension for reply within first month
1252 420 2252 210 Extension for reply within second month
1253 950 2253 475 Extension for reply within third month
1254 1,480 2254 740 Extension for reply within fourth month
1255 2,010 2255 1,005 Extension for reply within fifth month
1401 330 2401 165 Notice of Appeal
1402 330 2402 165 Filing a brief in support of an appeal
1403 290 2403 145 Request for oral hearing
1451 1,510 1451 1,510 Petition to institute a public use proceeding
1452 110 2452 55 Petition to revive - unavoidable
1453 1,330 2453 665 Petition to revive - unintentional
1501 1,330 2501 665 Utility issue fee (or reissue)
1502 480 2502 240 Design issue fee
1503 640 2503 320 Plant issue fee
1460 130 1460 130 Petitions to the Commissioner
1807 50 1807 50 Processing fee under 37 CFR 1.17(q)
1806 180 1806 180 Submission of Information Disclosure Stmt
8021 40 8021 40 Recording each patent assignment per property (times number of properties)
1809 770 2809 385 Filing a submission after final rejection (37 CFR 1.129(a))
1810 770 2810 385 For each additional invention to be examined (37 CFR 1.129(b))
1801 770 2801 385 Request for Continued Examination (RCE)
1802 900 1802 900 Request for expedited examination of a design application
Other fee (specify)
*Reduced by Basic Filing Fee Paid
SUBTOTAL (3) (\$) 0

SUBMITTED BY (Complete if applicable)
Name (Print/Type) Marc A. Brockhaus Registration No. 40,923 Telephone (405) 607-8600
Signature Marc Brockhaus Date 10/29/2003

SEND TO:

Mail Stop Petitions
Commissioner for Patents
PO Box 1450, Alexandria, VA 22313-1450



Express Mail No.:
Date Mailed:

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Martin A. Cotton)	Atty. Dkt. No. 2654-015
)	
Serial No.:	10/046,323)	Examiner: J. Norris
)	
Filed:	January 14, 2002)	Art Unit No. 2827
)	
For:	EMBEDDED WAVEGUIDE)	Confirmation No. 2812
	AND EMBEDDED)	
	ELECTROMAGNETIC)	
	SHIELDING)	

Attention: Office of Petitions
Commissioner for Patents
Box DAC
Washington, D. C. 20231

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PETITION TO THE COMMISSIONER UNDER 37 C.F.R. 1.181

Applicant hereby petitions the Commissioner of Patent and Trademarks under 37 C.F.R. 1.181(a)(2) in the above-identified application whereby the statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner. A Notice of Abandonment for the above-identified application was mailed on October 10, 2003. Applicant respectfully contends that the application is not in fact abandoned and respectfully requests withdrawal of the holding of abandonment.

STATEMENT OF FACTS

The above-identified application was filed on January 14, 2002, and was recently transferred to our law firm from Kevin L. Pontius of Roberts, Abokhair & Mardula, LLC. The Examiner called Mr. Pontius to inquire as to whether Applicant intended to abandon the application; however, Mr. Pontius directed the Examiner to myself. I did not receive a phone call from the Examiner regarding any matter relating to this application. Enclosed herewith is a copy of the letter received from Mr. Pontius regarding his conversation with the Examiner.

Our law firm received a Notice of Abandonment mailed October 10, 2003. In response to the Office Action mailed March 17, 2003, a timely response was filed on September 17, 2003, along with a Petition for Extension of Three months of time under 37 C.F.R 1.136(a). A copy of the post card is attached for your convenience. Also enclosed herewith is a copy of the Notice of Abandonment. Accordingly, Applicant respectfully

submits that a timely reply was filed on September 17, 2003; therefore, the above-identified application is not abandoned.

SUMMARY

In view of the above, Applicant respectfully requests withdrawal of the holding of abandonment.

Respectfully submitted,

Marc Brockhaus

Marc A. Brockhaus, Reg No. 40,923
DUNLAP, CODDING & ROGERS, P.C.
1601 NW Expressway, Suite 1000
Oklahoma City, Oklahoma 73118-1467
Telephone No. (405) 607-8600
Fax No. (405) 607-8686

Attorney for Applicant



October 16, 2003

VIA FEDERAL EXPRESS COURIER

G. Neal Rogers, Esq.
Managing Director
Dunlap Coddling & Rogers, P.C.
1601 NW Expressway, Suite 1000
Oklahoma City, OK 73118

DUNLAP, CODDING
& ROGERS, P.C.

OCT 17 2003

See Exp

RE: *Notice of Abandonment*
Title: *Embedded Waveguide and Embedded Electromagnetic Shielding*
PTO appln. no.: 10/046,323

Dear Mr. Rogers:

We received a Notice of Abandonment from the U.S. Patent and Trademark Office (PTO) in connection with the above-referenced application of VIASYSTEMS GROUP, INC. The original document is enclosed herewith. Please note that we are not retaining any copies of this communication. We will not docket any due dates, which may be associated with this matter.

In the Notice of Abandonment the Examiner implies that I confirmed in a telephone conference that the application was to be abandoned. The Examiner did call me to inquire about whether Applicant intended to abandon the application, but since I had no information to give him I referred him to Marc Brockhaus of your firm. I called Mr. Brockhaus yesterday to check on this suspicious Notice of Abandonment and he indicated that indeed a reply to the Office Action was timely filed. Thus, a petition for withdrawal of the holding of abandonment appears to be needed.

Should you have any questions please do not hesitate to contact me.

Very truly yours,

ROBERTS ABOKHAIR & MARDULA, LLC

Kevin L. Pontius/nvh

Kevin L. Pontius

KLP/nvh
Enclosure
cc: Daniel J. Weber

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,323	10/14/2002	Martin A. Cotton	2654-015	2812

7590 10/08/2003

Kevin L. Pontius
Roberts Abokhair & Mardula, LLC
Suite 1000
11800 Sunrise Valley Drive
Reston, VA 20191-5302

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OCT - 9 2003

BY:

DOCKETED

mh

EXAMINER	
NORRIS, JEREMY C	
ART UNIT	PAPER NUMBER
2827	

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

DUNLAP, CODDING
& ROGERS, P.C.

OCT 17 2003

2654-015
REVIEWED
10/19/03
transfere

DUNLAP, CODDING
& ROGERS, P.C.

OCT 17 2003

J. H. Exp

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Notice of Abandonment

Application No.

10/046,323

Examiner

Jeremy C. Norris

Applicant(s)

COTTON, MARTIN A.

Art Unit

2827

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 17 March 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A call was placed to the office of Mr. Kevin Pontius to confirm that the application had indeed been abandoned.

EVAN PERT
PRIMARY EXAMINER

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

MAIL STOP FEE AMENDMENT
COMMISSIONER FOR PATENTS
P.O. Box 1450
ALEXANDRIA, VA 22313-1450

Applicant: Martin A. Cotton
Serial No.: 10/046,323
Filed: January 14, 2002
Title: EMBEDDED WAVEGUIDE AND EMBEDDED ELECTROMAGNETIC SHIELDING
Express Mail No. EV318424825US; Customer No. 30589

Atty. Dkt. No. 8245.035
Art Unit No.: 2827
Examiner: Jeremy C. Norris

PATENT



Please acknowledge receipt of the following by stamping this card with the date received and returning:

1. Response (13 pages);
 2. Three (3) month Petition for Extension of time under 37 CFR 1.136(a) (1 page);
 3. Transmittal Form (1 page);
 4. Fee Transmittal (1 page) ; and
 5. Postcard.
- PTO has withdrawal authorization from Deposit Account in the total amount of \$930.00:
(1) Petition for Extension of Three months of time: \$930.00

Marc A. Brockhaus, Reg. No. 40,923
September 17, 2003
M:\GENERAL\8245 Viasystems\8245.035\8245.035-Postcard Response.wpd

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NOV - 3 2003

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